

## **REMARKS**

Claims 33-65 are pending after the amendment of January 6, 2006. Applicant appreciates the notification that Claims 38 and 65 are allowed. Independent Claims 33, 41, 45, 55, and 64 have been amended to recite a preferred aspect of the present invention, namely that the membrane filters, when contacted with the sealing material, do not contain any fillers. This feature of the invention is important because filters are difficult, if not impossible, to remove completely from membrane filters of this type, and the presence of any such fillers adversely impacts the use of such filters. Support for this amendment comes from the specification as filed. See, for instance, the Examples. No fillers are used.

### **Double Patenting Rejections**

Claims 36, 39, 40, 41, 43 and 64 are provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 30-32 and 36 of copending Application No. 10/704,468. A terminal disclaimer regarding this commonly owned application is filed with this response. Accordingly, this provisional rejection may now be withdrawn.

Claims 36, 39, 40, 41, 43 and 64 are provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 49,50 and 52 of copending Application No. 09/889,901. A terminal disclaimer regarding this commonly owned application is filed with this response. Accordingly, this provisional rejection may now be withdrawn.

Claims 36, 39, 40, 41, 43 and 64 are provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1, 2, 6,

7, 14, 15, 18, 28 and 39 of copending Application No. 10/489,214. A terminal disclaimer regarding this commonly owned application is filed with this response. Accordingly, this provisional rejection may now be withdrawn.

Claims 36, 39, 40, 41, 43 and 64 are rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 2-4 of U.S. Patent No. 6,663,745. A terminal disclaimer regarding this commonly owned patent is filed with this response. Accordingly, this provisional rejection may now be withdrawn.

Claims 36, 39, 40, 41, 43 and 64 are rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1, 4, 14, 18, 19, 30, 94, and 99 of U.S. Patent No. 6,582,496. A terminal disclaimer regarding this commonly owned patent is filed with this response. Accordingly, this provisional rejection may now be withdrawn.

#### **Claim Rejections - 35 U.S.C. §102 and §103**

Claims 33, 34, 36, 39, 40 (depending from 33, 34, 36 or 39), and 41-43 are rejected under 35 U.S.C. 102(b) as being anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over Muto et al (US 5,066,397). This rejection is respectfully traversed.

Muto employs fillers in the processing of his filters. See, Col. 7, lines 5-56. Note the additional steps required by Muto to attempt removal of the filler from the filter. No such additional processing steps are required when no filler is employed, such as claimed herein. In view of this vast difference between the cited art and the presently claimed invention, it is clear that the present invention is neither anticipated by the teachings of Muto, nor is it obvious in view thereof. Accordingly, this rejection of

Claims 33, 34, 36, 39, 40 (depending from 33, 34, 36 or 39), and 41-43, should be reconsidered and withdrawn. Such action is respectfully requested.

Claims 33, 34, 35, 37, 40 (depending from 35 or 37), 45-51, and 55-63 are rejected under 35 U.S.C. 102(b) as being anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over Ashelin et al (US 5,154,827). This rejection is respectfully traversed.

Ashelin, like Muto, also employs fillers in the processing of his filters. See, Col. 5, lines 17-54, and Col. 7, line 32 to Col. 8, line 63. In view of this difference between the cited art and the presently claimed invention, it is clear that the present invention is neither anticipated by the teachings of Ashelin, nor is it obvious in view thereof.

#### **Claim Rejections - 35 U.S.C. § 103**

Claims 44 and 64 are rejected under 35 U.S.C. 103 as being unpatentable over Muto et al (US 5,066,397) in view of Ashelin '827. This rejection is respectfully traversed.

Muto employs fillers in the processing of his filters. See, Col. 7, lines 5-56. Note the additional steps required by Muto to attempt removal of the filler from the filter. No such additional processing steps are required when no filler is employed, such as claimed herein. In view of this vast difference between the cited art and the presently claimed invention, it is clear that the present invention is neither anticipated by the teachings of Muto, nor is it obvious in view thereof.

Claims 33-37, 39, 40 (depending from 33-37 or 39), and 41-64 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kawai (680) in view of EP 0 175 432 A2). This rejection is respectfully traversed.

The EP Patent Publication simply teaches the fusion welding of the end cap 18 and the sealed end of the pleated filter media 12 to one another by the application of heat for a sufficient time to render the opposed surfaces molten – forming a fusion bond between these parts. See Page 9 and Figure 7. Nothing in this published patent application makes the presently claimed invention obvious, either alone or in combination with Kawai (680).

Kawai (680) employs fillers (or the like) in the processing of his filters. See, Col. 7, lines 5-56. In view of this difference between the cited art and the presently claimed invention, it is clear that the present invention is not obvious in view of the teachings of Kawai (680), either alone or in combination with the teachings of the EP Patent Publication.

Accordingly, this rejection of Claims 33-37, 39, 40 (depending from 33-37 or 39), and 41-64, should be reconsidered and withdrawn. Such action is respectfully requested.

#### **PETITION FOR EXTENSION OF TIME**

Applicant hereby requests a three-month extension of time for the filing of this response. This response is being filed on Monday, July 31, 2006.

**FEE AUTHORIZATION**

Please charge all fees due in connection with this response (time extension, terminal disclaimer, etc.) to our Deposit Account – No. 19-0733.

Respectfully submitted,

/Ernest V. Linek

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Ernest V. Linek – 29,822